IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

Crl.MC.No. 2481 of 2007()

AGAINST THE ORDER IN SC 673/2004 IN
LP.18/2006 of ADDL.ASSISTANT SESSIONS COURT, ALAPPUZHA

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PETITIONER: 2ND ACCUSED:

SURESH, S/O. RAJAPPAN,
SURESH BHAVANAM VEETTIL, PUTHUKUNDAM MURI,
KARTHIKAPPALLY TALUK, ALAPPUZHA DISTRICT.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)
SRI.M.SUNILKUMAR

RESPONDENTS: STATE:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2481 of 2007

Dated this the 3rd day of August, 2007

O R D E R

The petitioner faces indictment in a prosecution, inter alia, under Section 436 Cr.P.C. The petitioner could not appear before the learned Additional Assistant Sessions Judge. Consequently a warrant of arrest has been issued against the petitioner by the learned Additional Assistant Sessions Judge. The said warrant of arrest is chasing the petitioner now.

2. According to the petitioner, he is absolutely innocent. His absence was on account of reasons beyond his control. The petitioner is willing to surrender before the learned Additional Assistant Sessions Judge before whose court, the matter is pending and seek regular bail. But he apprehends that his application for bail may not be considered by the learned Additional Assistant Sessions Judge on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 482 Cr.P.C may be issued in favour of the petitioner.

3. It is for the petitioner to appear before the learned Additional Assistant Sessions Judge and explain to the learned Judge the circumstances under which he could not earlier appear before the

learned Judge. I have no reason to assume that the learned Additional Assistant Sessions Judge would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Additional Assistant Sessions Judge and applies for regular bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Additional Assistant Sessions Judge must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-

//true copy// PA to Judge